

HOUSE BILL 2153
By Harmon

AN ACT to amend Tennessee Code Annotated, Title 9,
Chapter 8, Part 3, relative to claims against the
state and state employees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 9-8-307, is amended by deleting subsection (i)(1) and substituting instead the following:

(i)(1) Any claim against a state employee brought under this section that was timely filed with a court of competent jurisdiction and that falls within the jurisdiction of the claims commission found in subdivision (a)(1)(A) shall be dismissed as to the state employee and transferred to the division of claims administration to proceed as a claim against the state. When a motion for transfer is made, or when the court determines on its own motion that transfer is necessary, the applicable statute of limitations shall toll as of the date the action was originally filed with the court and the court shall require that notice be given the attorney general and reporter. The state shall be permitted to intervene and respond to the motion. Upon such transfer, the claim shall be considered timely filed with the division of claims administration and the claims commission. Such transfer shall be effected upon an order of dismissal and transfer from the court. Any such transfer must be made within one (1) year of the filing of the original complaint with the court or on or after April 22, 1998, whichever is later. Provided, however, no claim that was timely filed with a court shall be dismissed because it was not transferred within the one-year period if the failure to transfer the case within such time was through no fault of the claimant. Such claims shall be considered by the division of claims administration and the claims commission, as provided by law. This subsection (i) shall

be effective for causes of action arising on or after July 1, 1995, pending on or after April 22, 1998, and causes of action arising on or after April 22, 1998.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.